

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
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Daisuke KUMAKI et al. )  
 )  
Serial No.: 10/581,410 )  
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Filed: June 1, 2006 )  
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For: Light Emitting Element )  
 )  
Examiner: Mary Ellen Bowman )  
 )  
Art Unit: 2879 )  
 )  
Confirmation No.: 3756 )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE (C) TO OFFICE ACTION**

Applicants have the following response to the Office Action of September 29, 2009.

**Claim Rejections - 35 USC §103**

In the Office Action, the Examiner now rejects Claims 9-20 and 32-47 under 35 USC §103(a) as being unpatentable over Kido et al. (US 2003/0189401) in view of Nakaya et al. (US 2004/0234814). This rejection is respectfully traversed.

In the rejection, the Examiner admits that Kido does not disclose the feature of a second hole generating layer in contact with the cathode of Claims 9, 13, 34 and 39. The Examiner, however, contends that Nakaya teaches a second layer generating holes in direct contact with the second

electrode and cites paragraphs [0240] – [0241] in Nakaya in support thereof. Applicants respectfully disagree.

More specifically, paragraph [0240] in Nakaya states that “...a buffer layer should be inserted between the electrode layer and the light-emitting layer” (emphasis added). Hence, Nakaya does not disclose or suggest the claimed feature of a second layer generating holes and wherein the second layer is in direct contact with the electrode.

Therefore, independent Claims 9, 13, 34 and 39 are not disclosed or suggested by the cited references, and Claims 9, 13, 34, 39 and those claims dependent thereon are patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Dated: December 28, 2009

Respectfully submitted,

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